

BEST AVAILABLE COPY

REMARKS

By this amendment, Applicants have amended claims 1, 3, 8, 11-12, and 16. As a result, claims 1-20 remain pending in this application. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the objections and rejections and reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, the Examiner notes a discrepancy between the page numbering on a copy of a reference provided to the Office and the page numbering listed on the Information Disclosure Statement (IDS) that was filed. Applicants thank the Examiner for his attentiveness in reviewing the IDS. Applicants note that the page numbering on the IDS is correct, as it is based on the citation of the published reference. However, since Applicants have provided the Office with what is, to the best of Applicants' knowledge, an identical copy of the published reference printed from an electronic file, the page numbering starts from one. To this extent, Applicants note that the total number of pages cited and provided are the same (seventeen).

Additionally, the Office rejects claim 8 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,316,793 (Sheppard). Applicants have herein amended claim 8 to include at least one contact over the active layer and adjacent to the composite layer. This feature, *inter alia*, is clearly absent from Sheppard. As a result, Applicants respectfully request withdrawal of the rejection of claim 8 as allegedly being anticipated by Sheppard.

Additionally, the Office rejects claims 1, 6, and 7 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0171405 A1 (Watanabe).

Serial No. 10/659,183

Page 7 of 9

Applicants have herein amended claim 1, from which claims 6 and 7 depend, to include at least one contact over the active layer and adjacent to the composite layer. This feature, *inter alia*, is clearly absent from Watanabe. As a result, Applicants respectfully request withdrawal of the rejection of claims 1 and 6-7 as allegedly being anticipated by Watanabe.

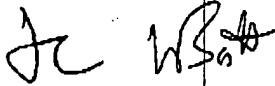
Additionally, the Office rejects claims 1-2, 5-8, and 14-15 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2004/0061129 A1 (Saxler). Initially, Applicants request that the Office make of record the reason that Saxler, which was filed after Applicants' related provisional application, is a valid prior art reference. In particular, the Office has not indicated whether (1) Applicants' related provisional application allegedly does not disclose the subject matter to predate the filing date of Saxler, or (2) the provisional application that is related to Saxler (Saxler provisional) allegedly includes sufficient support for Saxler to obtain the benefit of its filing date. In the latter case, Applicants respectfully request a copy of the Saxler provisional to review the Office's determination. In either case, Applicants reserve the right to present arguments against the Office's determination.

Regardless, Applicants have herein amended claims 1 and 8, from which claims 2, 5, 6-7, and 14-15 depend, to include at least one contact over the active layer and adjacent to the composite layer. This feature, *inter alia*, is clearly absent from Saxler. As a result, Applicants respectfully request withdrawal of the rejection of claims 1-2, 5-8, and 14-15 as allegedly being anticipated by Saxler.

Applicants thank the Examiner for noticing the allowable subject matter in claims 3-4, 9-13, and 16-20. In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in

better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



John W. LaBatt, Reg. No. 48,301
Hoffman, Warnick & D'Alessandro LLC
Three E-Comm Square
Albany, NY 12207
(518) 449-0044 - Telephone
(518) 449-0047 - Facsimile

Dated: Sept. 16, 2004